

**§791. Violations and penalties**

**1. Class E crime.** The commission of any act described as follows in this subsection is a Class E crime:

A. [PL 1991, c. 466, §36 (RP).]

B. A municipal clerk who, when a person has voted by absentee ballot in the clerk's presence under section 753-B, subsection 8, signs the clerk's name to an affidavit on the absentee ballot return envelope when the affidavit is not properly completed; or [PL 1999, c. 645, §12 (AMD).]

C. A 3rd person, designated in an application or request for an absentee ballot, who receives an absentee ballot from the clerk in accordance with that application or request, and who, without good cause, fails to return that absentee ballot to the clerk's office within the time limit provided in section 755. [PL 1985, c. 161, §6 (NEW).]

[PL 1999, c. 645, §12 (AMD).]

**2. Class D crime.** A person commits a Class D crime if that person:

A. Delivers, receives, accepts, notarizes or witnesses an absentee ballot for any compensation. This paragraph does not apply to a governmental employee handling ballots in the course of that employee's official duties or a person who handles absentee ballots before the unvoted ballots are delivered to the municipality or after the voted ballots are returned to the clerk. [PL 1993, c. 473, §37 (RPR); PL 1993, c. 473, §46 (AFF).]

B. [PL 1993, c. 473, §37 (RP); PL 1993, c. 473, §46 (AFF).]

C. [PL 1993, c. 473, §37 (RP); PL 1993, c. 473, §46 (AFF).]

[PL 1993, c. 473, §37 (RPR); PL 1993, c. 473, §46 (AFF).]

**3. Class C crime.** A person commits a Class C crime if that person:

A. Forges the name of another on an absentee ballot, the return envelope or the application for an absentee ballot; or [PL 1993, c. 473, §38 (NEW); PL 1993, c. 473, §46 (AFF).]

B. Is a candidate who, notwithstanding this subchapter, delivers, receives, accepts, notarizes, assists or witnesses an absentee ballot, other than the candidate's own absentee ballot, furnished by the clerk of a municipality in this State. This paragraph does not apply to an elected municipal clerk who is a candidate for reelection to the office of municipal clerk, where there is no other candidate for that office. In a contested election for the office of clerk, a clerk may not be exempted from the provisions of this paragraph but shall instead appoint a deputy or an assistant to whom the municipality shall pay all associated costs for the duration of the deputy's or assistant's temporary employment in that capacity. [PL 2009, c. 253, §52 (AMD).]

[PL 2009, c. 253, §52 (AMD).]

**SECTION HISTORY**

PL 1985, c. 161, §6 (NEW). PL 1985, c. 357, §§18,19 (AMD). PL 1987, c. 364 (AMD). PL 1987, c. 572 (AMD). PL 1991, c. 466, §36 (AMD). PL 1993, c. 473, §§37,38 (AMD). PL 1993, c. 473, §46 (AFF). PL 1999, c. 645, §12 (AMD). PL 2009, c. 253, §52 (AMD).

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